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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HP INC., a Delaware corporation; and
HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P., a Texas limited
partnership,

Plaintiffs,

v.

ZTHY TECH INC., a California corporation;
batterymon16, an entity of unknown form;
ehome007, an entity of unknown form;
elecbrain15, an entity of unknown form;
Idallian, an entity of unknown form; irelia_jt,
an entity of unknown form; lol-electronic, an
entity of unknown form; shop-siker, an entity
of unknown form; shunwei2014, an entity of
unknown form; sunflower-electronic, an
entity of unknown form; suntek-wireless, an
entity of unknown form; yolanda_dh1, an
entity of unknown form; and DOES 1
through 20,

Defendants.

Case No. 19 cv 7210

FILED UNDER SEAL

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR:

1. FEDERAL TRADEMARK
INFRINGEMENT AND
COUNTERFEITING;
2. FEDERAL TRADEMARK
DILUTION;
3. FEDERAL UNFAIR
COMPETITION; AND
4. NEW YORK UNFAIR
COMPETITION

DEMAND FOR JURY TRIAL

Plaintiffs HP Inc. ("HP") and Hewlett-Packard Development Company, L.P. ("HPDC"), by and through their undersigned counsel, for their Complaint against Defendants Zthy Tech Inc. ("Zthy Tech"), batterymon16; ehome007; elecbrain15; Idallian; irelia_jt; lol-electronic; shop-siker; shunwei2014; sunflower-electronic; suntek-wireless; yolanda_dh1; and Does 1 through 20 inclusive (collectively, "Defendants"), complain and allege as follows:

I. INTRODUCTION

1. Defendant Zthy Tech is a counterfeit trafficker who has repeatedly and knowingly engaged in various schemes to sell counterfeit HP products.

2. Defendants: batterymon16; ehome007; elecbrain15; Idallian ; irelia_jt; lol-electronic; shop-siker; shunwei2014; sunflower-electronic; suntek-wireless; and yolanda-dh1 are individuals or entities of unknown form who have systematically, repeatedly, and knowingly sold counterfeit HP products through online marketplaces, such as eBay.com (“eBay”). All defendants identified in this paragraph, except for suntek-wireless,¹ operate from China or Hong Kong (“Chinese Defendants”).

3. Plaintiffs bring this lawsuit against all Defendants in a common action because this lawsuit involves questions of law and fact that are common to all defendants. Defendants all have used common instrumentalities for the advertising, marketing, sale and distribution of counterfeit HP products. Further, it appears that certain of these Defendants are related, or act as alter egos of one another. The questions of law are common for all causes of action.

4. Plaintiffs bring this Action to obtain injunctive relief to forever stop Defendants from their unlawful and infringing conduct, and for payment of damages that arise from Defendants’ unlawful and improper use of Plaintiffs’ trademarks and intellectual property.

II. JURISDICTION AND VENUE

5. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338, and 15 U.S.C. § 1121 because this action arises under the laws of the United States, and because it involves allegations regarding trademark violations.

6. This Court has supplemental jurisdiction pursuant to 28 U.S.C. §§ 1338(b) and 1367 for all claims in this Complaint that are based upon state law because those claims arise

¹ According to general information that eBay provides on its sellers, suntek-wireless operates from somewhere within the United States.

from the same controversy as the claims being made under federal statute.

7. This Court has personal jurisdiction over Defendants because the events and acts complained of arise out of and relate to Defendants' marketing and sale of counterfeit HP products in the Eastern District of New York.

III. THE PARTIES

8. HP is, and at all times mentioned herein was, a Delaware corporation. Its principal place of business is at 1501 Page Mill Road, Palo Alto, California 94304-1112.

9. HPDC is, and at all times mentioned herein was, a Texas limited partnership with its principal place of business at 11445 Compaq Center Drive West, Houston, Texas 77070. HPDC has an exclusive license to use, sub-license, and enforce the trademarks that are the subject of this lawsuit.

10. Defendant Zthy Tech is, and at all times mentioned herein was, a California corporation with its principal place of business at 5219 Acacia Street, San Gabriel, California. Zthy Tech is engaged in the business of selling products through eBay. Zthy Tech has advertised in, offered for sale in, and shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that Zthy Tech has also sold counterfeit HP products into the Eastern District of New York. Zthy Tech has also used the eBay seller names: "annhk-ot3zlw," "bailey1618," "omg_1971," and "haobattery.9953" to sell counterfeit HP products on eBay.

11. Defendant "batterymon16" is a person or entity of unknown form, located in China, who has used that name to sell products on eBay. batterymon16 has advertised in, offered for sale in, and shipped counterfeit HP products from within the Eastern District of New

York. Plaintiffs allege on information and belief that batterymon16 also sold counterfeit HP products into the Eastern District of New York.

12. Defendant “ehome007” is a person or entity of unknown form, located in China, who has used that name to sell products on eBay. ehome007 has advertised in, offered for sale in, and claims to have shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that ehome007 also sold counterfeit HP products into the Eastern District of New York.

13. Defendant “elecbrain15” is a person or entity of unknown form, located in China, who has used that name to sell products on eBay. elecbrain15 has advertised in, offered for sale in, and shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that elecbrain15 also sold counterfeit HP products into the Eastern District of New York.

14. Defendant “Idallian” is a person or entity of unknown form, located in Hong Kong, who has used that name to sell products on eBay. Idallian has advertised in, offered for sale in, and shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that Idallian also sold counterfeit HP products into the Eastern District of New York.

15. Defendant “irelia_jt” is a person or entity of unknown form, located in Hong Kong, who has used that name to sell products on eBay. irelia_jt has advertised in, offered for sale in, and shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that irelia_jt also sold counterfeit HP products into the Eastern District of New York.

16. Defendant “lol-electronic” is a person or entity of unknown form, located in China, who has used that name to sell products on eBay. lol-electronic has advertised in, offered for sale in, and shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that lol-electronic also sold counterfeit HP products into the Eastern District of New York.

17. Defendants “shop-siker” and “shunwei2014” are people or entities of unknown form, located in China, who have used those names to sell products on eBay. shop-siker and shunwei2014 have advertised in, offered for sale in, and claim to have shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that shop-siker and shunwei2014 also sold counterfeit HP products into the Eastern District of New York. Plaintiffs assert on information and belief that shop-siker and shunwei2014 are related to one another and have either acted in concert, as conspirators, or as agents of one another to sell counterfeit HP products, or that they are the same person or entity. In addition to other commonalities, shop-siker and shunwei2014 used a common PayPal account to accept payment for their counterfeit HP products, identified on PayPal receipts as “HKSIKERINTE.”

18. Defendant “sunflower-electronic” is a person or entity of unknown form, located in China, who has used that name to sell products on eBay. sunflower-electronic has advertised in, offered for sale in, and shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that sunflower-electronic also sold counterfeit HP products into the Eastern District of New York.

19. Defendant “suntek-wireless” is a person or entity of unknown form, located at an unknown location within the United States, who has used that name to sell products on eBay.

suntek-wireless has advertised in, offered for sale in, and claims to have shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that suntek-wireless also sold counterfeit HP products into the Eastern District of New York.

20. Defendant "yolanda-dh1" is a person or entity of unknown form, located in Hong Kong, who has used that name to sell products on eBay. yolanda-dh1 has advertised in, offered for sale in, and shipped counterfeit HP products from within the Eastern District of New York. Plaintiffs allege on information and belief that yolanda-dh1 also sold counterfeit HP products into the Eastern District of New York.

21. The true names and capacities, whether individual, corporate, associate, or otherwise, of the Defendants named herein as DOES 1 through 20, inclusive, are unknown to Plaintiffs who, therefore, sue said Defendants by such fictitious names. Plaintiffs will amend this Complaint to reflect the true names and capacities of these DOE Defendants when the same shall have been fully and finally ascertained. At all times relevant to this action, each DOE defendant was the agent, servant, employee, partner, joint venturer, accomplice, conspirator, alter ego or surety of other Defendants and was acting within the scope of that agency, employment, partnership, venture, or suretyship with the knowledge and consent or ratification of the other Defendants in doing the things alleged in this Complaint.

22. Plaintiffs allege on information and belief that all Defendants either acted in concert with one another to sell counterfeit HP products; or alternatively, Defendants acted separately, but used common instrumentalities in their separate schemes to sell counterfeit HP products. Each Defendant has used common return addresses on packages in which they shipped counterfeit HP products, including spurious addresses of locations that have no apparent

relationship to counterfeit trafficking. Plaintiffs allege on information and belief that some of these addresses reflect the actual location from where the counterfeit products were shipped, while others were used by Defendants as imposter addresses, intended to conceal the actual location from where Defendants engaged in their illegal conduct.

IV. FACTUAL ALLEGATIONS

A. HP And The HP Marks

23. Hewlett-Packard Company (“HPQ”) was founded in 1939 by engineers David Packard and Bill Hewlett, who started their business by designing and building electronic test equipment from a garage in Palo Alto, California. HPQ became an innovator in its field, developing technologies and inventing new products, growing to become one of the world’s largest technology companies. HPQ specialized in developing and manufacturing personal computers and printers, as well as enterprise hardware products and services, including support services and enterprise software. In late 2015, HPQ spun out Hewlett Packard Enterprise Company (“HPE”) (specializing in the manufacture of enterprise IT hardware, as well as the creation and distribution of enterprise software and support services) and renamed the remaining company as HP Inc. (specializing in the manufacture of personal computers, printers and printer cartridges).

24. HP has invested substantial effort and resources to develop and promote public recognition of the “HP”-related marks. These trademarks are owned by HP Hewlett Packard Group LLC (“TM JV”), which has conveyed an exclusive license to use and enforce the HP house mark and HP logos (collectively, the “HP Marks”) to HPDC. HPDC has, in turn, sublicensed the right to use the HP Marks to HP. HP used the HP Marks to identify goods and services as being genuine products, and the HP Marks are well-recognized signifiers of HP’s

high-quality products and services.

25. HPDC and TM JV have caused several trademarks to be registered on the Principal Register of the U.S. Patent and Trademark Office (“USPTO”) in connection with a range of computers, computer hardware, computer software, computer peripherals, and parts for the foregoing. TM JV owns all rights, title, and interest in numerous federal trademark registrations. The registered trademarks include, but are not limited to, the following HP Marks:

Mark	Registration Number	Registration Date
HP	3,412,631	April 15, 2008
HEWLETT PACKARD	5,209,742	May 23, 2017
HEWLETT PACKARD	5,311,758	October 17, 2017
	1,842,724	July 5, 1994
	4,272,548	January 8, 2013

26. The HP Marks are distinctive source identifiers, and in the course of use in business operations for over 80 years and in advertising and distinguishing authorized products and services through a wide variety of media including television, radio, video, newspapers, magazines, billboards, direct mail, and websites across the country, the HP Marks have become well known.

27. Also as a result of HP’s extensive advertising and promotional efforts and the continuous use of the HP Marks for over 80 years, the marks have attained one of the highest levels of brand recognition. As a result of the longstanding and widespread use and promotion

of the HP Marks, HP's customers worldwide have come to rely upon the HP Marks to identify high-quality goods and services. Accordingly, the HP Marks have significant economic value to HP because its customers rely upon them when deciding to purchase HP-branded products.

28. Counterfeit "HP" products harm HP's reputation for quality because they do not conform with or to HP's design, specifications, production standards or quality control, and thus lack reliability. Counterfeit "HP" products that bear markings similar to, or substantially indistinguishable from, the HP Marks provide customers with a false assurance that the products they have purchased are reliable and conform with HP's high standards and that they are eligible for certain warranties.

29. Counterfeit products may also pose serious health and safety risks to consumers. Failures of counterfeit products typically occur within 12 months from date of customer purchase and may be accompanied by harmful effects. A battery failure typically occurs as a thermal event which may include smoke, fire, melting and, on occasion, explosion. Counterfeit batteries may lack key design safety features (relative to HP products), making them more susceptible to the above-mentioned cascading thermal events and they may pose considerable safety risks for consumers. Those types of events may result in personal injury and/or property damage, presenting a substantial hazard to consumers, as well as substantial reputational harm to HP if and when such events occur.

B. HP's Initial Contact with Defendant Zthy Tech

30. On August 23, 2017, HP sent Defendant Zthy Tech and its owner, Haoran Zhao ("Zhao"), a letter demanding that they cease and desist selling counterfeit HP products. As detailed in that letter, during the period from April through July 2017, HP made five test purchases of counterfeit HP batteries that Zthy Tech and Zhao sold on eBay, under the following

Seller IDs: “baileyl618,” “annhk-ot3zlw,” “haobattery.9953,” and “omg_1971.” These products had been shipped from various addresses, in an apparent attempt to hide Zthy Tech’s involvement with all of those sales. Four counterfeit batteries had been shipped personally by Zhao at 1004 Royal Way, Edmond, OK 73034. Two counterfeit batteries were shipped from 1980 New Hwy, Farmingdale, NY.

C. Facts Common to Defendants’ Separate Schemes

31. Defendants have used a return address of 299 12th Street, Brooklyn, NY on packages they shipped from various eBay Seller IDs. That address belongs to an Intellectual Property attorney who appears to have no relationship with any of the Defendants, nor with the sale of HP-branded products. Plaintiffs understand that attorney has received numerous shipments of products that are sent as “returns” by Defendants’ dissatisfied customers. Plaintiffs have received counterfeit HP products in packages with this return address sent by the following Defendants: ehome007, elecbrain15, lol-electronic, shunwei2014, sunflower-electronic, and Zthy Tech (using its haobattery.9953 eBay seller ID).

32. Defendants elecbrain15, Idallian, and shunwei2014 have used a return address of 299 W. 12th Street, PH A, New York, NY on packages they have shipped. This address is an apparent variant of the 299 12th Street address in Brooklyn that Defendants have also used. The Manhattan address appears to be a residential apartment building.

33. Defendants have used the name “AMY-SK” to identify the sender of packages they shipped from various eBay Seller IDs, which contained counterfeit HP products. Plaintiffs have received packages with this sender’s name from the following Defendants: elecbrain15, lol-electronic, shunwei2014, sunflower-electronic.

34. Defendants have used the name “EZ SHIPPING DEPT” as the sender of packages they shipped from various eBay Seller IDs, which contained counterfeit HP products. Plaintiffs have received packages with this sender’s name from the following Defendants: elecbrain15, sunflower-electronic.

35. Defendants have used the name “Yolanda” as the sender of packages they shipped from various eBay Seller IDs, which contained counterfeit HP products. Plaintiffs have received packages with this sender’s name from the following Defendants: irelia_jt, yolanda_dh1, and Zthy Tech (using its omg_1971 eBay seller ID).

36. Defendants have used a return address of 136-10 37th Ave, Flushing, NY on packages they shipped from various eBay Seller IDs, which contained counterfeit HP products. Based upon photographs available from a Google maps search, this address appears to be a neighborhood bodega. Plaintiffs have received packages with this return address sent by the following Defendants: irelia_jt, yolanda_dh1, and Zthy Tech (using its omg_1971 eBay seller ID).

37. Defendants have used a return address of 4251 Saull St., Flushing, NY on packages they shipped from various eBay Seller IDs, which contained counterfeit HP products. Based upon photographs available from a Google maps search, this address appears to be a residence. Plaintiffs have received packages with this return address sent by the following Defendants: irelia_jt, shop-siker, suntek-wireless.

38. Defendants have used a return address of 1980 New Highway, Farmingdale, NY on packages they shipped from various eBay Seller IDs, which contained counterfeit HP products. Plaintiffs have received packages with this return address sent by the following Defendants: elecbrain15, batterymon16, sunflower-electronic, and Zthy Tech (using its

haobattery.9953 and omg_1971 eBay seller IDs).

39. Defendants Zthy Tech (using its omg_1971 eBay seller ID), and yolanda_dh1 have used a common the PayPal account “JIANGOANHUA” to accept payment for their sales of counterfeit HP products. These entities and have also used a common email account, “chf0753@163.com,” to sell counterfeit HP products. It is presently unclear whether Defendants Zthy Tech and yolanda_dh1 are the same entity, given that the former is located in California and the latter is located in Hong Kong.

40. As already described above, Defendants shunwei2014, and shop-siker have used a common PayPal account, “HKSIKERINTE,” to accept payment for their sales of counterfeit HP products.

D. Defendants’ Sale of Counterfeit HP Products and Illegal Use of the HP Marks

41. Each Defendant has engaged in a pattern of selling counterfeit HP products, described in the respective charts below. For each of the described instances, the HP Mark that a Defendant used is identical to or nearly indistinguishable from the corresponding HP Mark that is registered with the USPTO, and each of those marks was used without Plaintiffs’ permission or authority. In each of those instances where the HP Mark was used in advertising and the Defendant used that mark to sell a counterfeit product, that mark was used without Plaintiffs’ permission or authority, and each Defendant’s use of that mark was intended to deceive and was deceptive because it caused the buyer to believe that it was purchasing a genuine HP product. In each of those instances where the HP Mark was used on an HP-branded product, that product was inspected by HP and determined to be counterfeit in that the product appears to be a genuine product manufactured by HP, but in actuality was not manufactured by HP, nor by its permission, nor under its authority. For each of those instances, the Defendant using the HP

Mark did so without Plaintiffs' permission or authority.

42. Defendant Zthy Tech's Infringing Uses of the HP Marks: In each of the circumstances identified below, Zthy Tech used various pseudonyms to infringe upon Plaintiffs' rights to the HP Marks by illegally using those marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that Zthy Tech actually sold.²

Approx. Date	Zthy Tech's eBay Pseudonym	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
12/4/18	haobattery.9953	In advertising	HP NP03XL battery	---	---	HP and Design mark (U.S. Reg. No. 3412631) and the HP word mark (U.S. Reg. No. 3412631)
12/4/18	haobattery.9953	On counterfeit product	HP NP03XL battery	“深圳市杰睿宏电子科技有限公司” and “JIERUIHONG”	David; 299 12th St# Brighton; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

² Zthy Tech, and its owner Zhao, also had notice about selling counterfeit HP products from other interactions with Plaintiffs, before the instances that are the subject of this lawsuit. Between June 2016 and July 2017, Zthy Tech illegally used the HP Marks in advertising and in selling counterfeit HP products on at least 9 occasions. After HP notified Zthy Tech and Zhao about these instances, they admitted to the wrongful conduct, although claimed that it was not willful.

Approx. Date	Zthy Tech's eBay Pseudonym	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
4/19/19	haobattery.9953	In advertising	HP VI04 battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
4/19/19	haobattery.9953	On counterfeit product	HP VI04 battery	“深圳市杰睿宏电子科技有限公司” and “JIERUIHONG”	David; 299 12th St, # Brighton; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
4/19/19	haobattery.9953	In advertising	HP CM03XL battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
4/19/19	haobattery.9953	On counterfeit product	HP CM03XL battery	“深圳市杰睿宏电子科技有限公司” and “JIERUIHONG”	David; 299 12th St, # Brighton; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/5/19	haobattery.9953	In advertising	HP VI04 battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)

Approx. Date	Zthy Tech's eBay Pseudonym	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
12/5/19	haobattery.9953	On counterfeit product	HP VI04 battery	“深圳市杰睿宏电子科技有限公司” and “JIERUIHONG”	David; 299 12th St, # Brighton; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
4/26/19	omg_1971	In advertising	HP BP02XL battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
4/26/19	omg_1971	On counterfeit product	HP BP02XL battery	“蒋丹华” and “JIANGDANHUA”	YOLANDA; 136-10 37th Ave; Flushing, NY 11354	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
4/26/19	omg_1971	In advertising	HP CM03XL battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
4/26/19	omg_1971	On counterfeit product	HP CM03XL battery	“蒋丹华” and “JIANGDANHUA”	YOLANDA; 136-10 37th Ave; Flushing, NY 11354	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

Approx. Date	Zthy Tech's eBay Pseudonym	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
12/5/19	omg_1971	In advertising	HP BP02XL battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
12/5/19	omg_1971	On counterfeit product	HP BP02XL battery	“蒋丹华” and “EBAY JIANGDANHUA”	#167 Yolanda-Bad; 19214 Northern Blvd; Flushing, NY 11358-2955	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

43. Defendant elecbrain15's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant elecbrain15 illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that elecbrain15 actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
8/24/17	In advertising	HP 65W adapter	---	---	HP and Design mark (U.S. Reg. No. 1842724) and the HP word mark (U.S. Reg. No. 3412631)
8/24/17	On counterfeit product	HP 65W adapter	“斯格电子” and “SIGEDIANZI” elecbrain15@hotmail.com	EZ Shipping Dept; 1980 New Hwy; Farmingdale, NY 11735-1122	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), HP and Design mark (U.S. Reg. No. 1842724) and the HP word mark (U.S. Reg. No. 3412631)
8/24/17	In advertising	HP MO06 battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
8/24/17	On counterfeit product	HP MO06 battery	“斯格电子” and “SIGEDIANZI” elecbrain15@hotmail.com	EZ Shipping Dept; 1980 New Hwy; Farmingdale, NY 11735-1122	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
4/26/19	In advertising	HP 45W adapter	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
4/26/19	On counterfeit product	HP 45W adapter	“郑州东之昌金属材料有限公司” and “TQUICK”	AMY SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
4/26/19	In advertising	47WH battery	---	---	HP and Design mark (U.S. Reg. No. 1842724) and the HP word mark (U.S. Reg. No. 3412631)
4/26/19	On counterfeit product	47WH battery	“郑州东之昌金属材料有限公司” and “TQUICK”	AMY SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), HP and Design mark (U.S. Reg. No. 1842724) and the HP word mark (U.S. Reg. No. 3412631)
12/5/19	In advertising	90W adapter	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
12/5/19	On counterfeit product	90W adapter	“EBAY TQUICK”	SERVICE JOCK; W. 12th St., PH A; New York, NY 11358-2955	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

44. Defendant sunflower-electronic's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant sunflower-electronic illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that sunflower-electronic actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
8/24/17	In advertising	HP MO06 battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
8/24/17	On counterfeit product	HP MO06 battery	“龚亮清” and “RAINHOME201” rainhome2015@163.com	EZ Shipping Dept; 1980 New Hwy; Farmingdale, NY 11735-112	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
1/4/19	In advertising	HP NP03XL battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
1/4/19	On counterfeit product	HP NP03XL battery	“东莞市宏峰音响制品有限公司” and “DONGWANSHIH” delectronic@163.com	osanna SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
1/4/19	In advertising	HP 65W adapter	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
1/4/19	On counterfeit product	HP 65w adapter	“东莞市宏峰音响制品有限公司” and “DONGWANSHIH” delectronic@163.com	osanna SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
5/2/19	In advertising	HP NP03XL battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
5/2/19	On counterfeit product	HP NP03XL battery	“东莞市宏峰音响制品有限公司” and “DONGWANSHIH”	osanna SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

45. Defendant shop-siker's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant shop-siker illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that shop-siker actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
9/29/17	In advertising	HP MU06 battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
9/29/17	On counterfeit products	HP MU06 battery	“HK SIKER INTERNATIONAL TRADE CO., LIMITED” and “HKSIKERINTE” hksiker@gmail.com	Shipping Dept; 4251 Saull St; Flushing, NY 11355-4917	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
9/27/19	In advertising	HP 65W adapter	---	---	HP and Design mark (U.S. Reg. No. 1842724) and the HP word mark (U.S. Reg. No. 3412631)

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
9/27/19	On counterfeit products	HP 65W adapter	"HK SIKER INTERNATIONAL TRADE CO., LIMITED" and "HKSIKERINTE" hksiker@gmail.com	Shipping Dept; 4251 Saull St, Flushing, NY 11355	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), HP and Design mark (U.S. Reg. No. 1842724) and the HP word mark (U.S. Reg. No. 3412631)

46. Defendant batterymon16's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant batterymon16_illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that batterymon16_actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
11/9/17	In advertising	HP VI04 battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
11/9/17	On counterfeit product	HP VI04 battery	"YANG CAI PING" and "BATTERYMON" yangcaiping123@hotmail.com	EBK; 1980 New Hwy; Farmingdale, NY 11753-1122	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

47. Defendant irelia_jt's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant irelia_jt_illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that irelia_jt_actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
11/9/17	In advertising	HP OA04 battery and HP 65W adapter	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
11/9/17	On counterfeit products	HP OA04 battery and HP 65W adapter	“陈苑红” and “CHENYUANHON”	yolanda--; 4251 Saull St; Flushing, NY 11355-4917	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
4/26/19	In advertising	HP BP02XL battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
4/26/19	On counterfeit product	HP BP02XL battery	“陈苑红” and “CHENYUANHON” irelia_1@163.com	YOLANDA; 136-10 37th Ave; Flushing, NY 11354	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/5/19	In advertising	HP NP03XL battery	---	---	HP and Design mark (U.S. Reg. No. 4272548) and the HP word mark (U.S. Reg. No. 3412631)
12/5/19	On counterfeit product	HP NP03XL battery	“陈苑红” and “CHENYUANHON”	#167 Yolanda-Bad; 19214 Northern Blvd; Flushing, NY 11358-2955	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

48. Defendant yolanda_dh1's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant yolanda_dh1 illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that yolanda_dh1 actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
5/2/19	In advertising	HP ME03XL battery	---	---	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
5/2/19	On counterfeit product	HP ME03XL battery	“蒋丹华” and “JINGDANYUA” chf0753@163.com	YOLANDA; 136-10 37th Ave; Flushing NY 11354	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/5/19	In advertising	HP BP02XL battery	---	---	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/5/19	On counterfeit product	HP BP02XL battery	“丹华 蒋” and “EBAY JIANGDANHUA”	#167 Yolanda-Bad; 19214 Northern Blvd; Flushing NY 11358-2955	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

49. Defendant Idallian's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant Idallian illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that Idallian actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
6/28/19	In advertising	HP 90W adapter and HP MU06 battery	---	---	HP word mark (U.S. Reg. No. 3412631)

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
6/28/19	On counterfeit products	HP 90W adapter and HP MU06 battery	“陈佩璇” and “CHENPEIXUAN”	Andy; GE; 299 W 12th St, PH A; New York NY 10014-1801 (Package tracking information indicates that the product was actually shipped from Farmingdale, NY.)	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. Nos. 1842724 and 4272548)
12/05/19	In advertising	HP MU06 battery	---	---	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/05/19	On counterfeit products	HP MU06 battery	“佩璇陈” and EBAY 2791130887	FNS; HZ; 4752 Mission (sic) Blvd, Unit #B; Montclair CA 91762	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

50. Defendant suntek-wireless's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant suntek-wireless illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that suntek-wireless actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
11/10/17	In advertising	HP 65W adapter	---	---	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 1842724)
11/10/17	On counterfeit product	HP 65W adapter	“GE Soluciones” and “GESOLUCIONS”	BESELL INC; 20 Irwin St.; New Hyde Park, NY 11040	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 1842724)

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
11/9/17	In advertising	HP MU06 battery	---	---	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
11/9/17	On counterfeit product	HP MU06 battery	"GE Soluciones" and "GESOLUCIONS"	Shipping Dept; 4251 Saul St; Flushing, NY 11355-4917	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

51. Defendant ehome007's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant ehome007 illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that ehome007 actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
6/1/18	In advertising	HP MU06 battery and HP PI06 battery	---	---	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
6/1/18	On counterfeit products	HP MU06 battery and HP PI06 battery	"林芝杨" and "MINITOMATO"	Shipping Dept; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

52. Defendant shunwei2014's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant shunwei2014 illegally used HP Marks to advertise

counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that shunwei2014 actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
7/17/18	In advertising	HP 90W adapter	---	---	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
7/17/18	On counterfeit products	HP 90W adapter	"HK SIKER INTERNATIONAL TRADE CO., LIMITED" and "HKSIKERINTE"	SAMMY; SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 1842724)
7/17/18	In advertising	HP Envy MO09 MO06 battery	---	---	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
7/17/18	On counterfeit products	HP MO06 battery	"HK SIKER INTERNATIONAL TRADE CO., LIMITED" and "HKSIKERINTE"	SAMMY; SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
1/4/19	In advertising	HP 90W charger	---	---	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
1/4/19	On counterfeit products	HP 90W charger	"东莞市陀曼妥电子商务有限公司" and "DONGWANSHT"	rosanna; SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 1842724)

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
1/4/19	In advertising	HP MU06 MU09 battery	---	---	HP word mark (U.S. Reg. No. 3412631)
1/4/19	On counterfeit products	HP MU06 battery	“东莞市陀曼妥电子商务有限公司” and “DONGWANSHIT”	rosanna; SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/05/19	In advertising	HP 90W adapter	---	---	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/05/19	On counterfeit products	HP 90W adapter	“EBAY SKYSTYLEINC”	SERVICE; JOCK; 299 W12th St, PH A; New York, NY 11358-2955	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/05/19	In advertising	HP ProBook CA09 battery	---	---	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/05/19	On counterfeit products	HP ProBook CA09 battery	“EBAY SKYSTYLEINC”	SERVICE; JOCK; 299 W12th St, PH A; New York, NY 11358-2955	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

53. Defendant lol-electronic's Infringing Uses of the HP Marks: In each of the circumstances identified below, Defendant lol-electronic illegally used HP Marks to advertise counterfeit HP-branded products, and by applying those marks without permission or authority to the counterfeit HP products that lol-electronic actually sold.

Approx. Date	Type of Use	Product	PayPal Account Names Used	Return Address	Trademarks Infringed
4/26/19	In advertising	HP NP03XL battery	---	---	HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548).
4/26/19	On counterfeit product	HP NP03XL battery	“广东省东莞市斯格电子有限公司”	AMY; SK; 299 12th St; Brooklyn, NY 11215-4903	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)
12/05/19	In advertising	HP Touchsmart 19.5V charger	---	---	HP word mark (U.S. Reg. No. 3412631)
12/05/19	On counterfeit product	HP 65W adapter	“东莞市斯格电子有限公司” and “EBAY GUANGDONGSH”	SERVICE; JOCK; 299 W 12th St, PH A; New York, NY 11358-2955	HEWLETT PACKARD word mark (U.S. Reg. Nos. 5209742 and 5311758), the HP word mark (U.S. Reg. No. 3412631), and the HP and Design mark (U.S. Reg. No. 4272548)

E. Defendants' Counterfeit Trafficking Was Done Willfully

54. Defendants' sale of infringing and counterfeit "HP" products was done willfully, and with knowledge that they were selling infringing and counterfeit "HP" products; or alternatively, Defendants were willfully blind to the fact that they were selling these illegal products.

55. **Plaintiffs' reports to eBay:** Among the evidence that demonstrates Defendants' knowledge of selling counterfeit, Defendants received notice of their counterfeit trafficking from eBay due to the many listings that eBay removed from Defendants' seller account as the result of Plaintiffs' reports to eBay that Defendants' advertised products were not genuine.

56. With respect to Defendants' notice through eBay, a trademark owner who believes that an eBay listing includes an offer to sell counterfeit product(s) may file a report

through eBay's VeRO Program. Plaintiffs are informed and believe, and thereon allege, that when a trademark owner makes a claim of an infringing listing through VeRO, eBay investigates the claim and removes the listing when it determines that the report has merit. Plaintiffs further allege on information and belief that when eBay removes a listing in this manner, it notifies the responsible seller that its listing was removed due to the claimed infringement, and it provides the seller with an opportunity to contest the finding of infringement by providing the seller with the trademark owner's contact information. Plaintiffs reported these illegal listings to eBay against the indicated Defendants and received confirmation of their removal on the following dates:

Responsible Seller	Reported Item No(s).	Date of Removal
Zthy Tech ("haobattery.9953")	192121362300; 191930450887	August 3, 2017; August 23, 2017
Zthy Tech ("omg_1971")	272562901781	August 3, 2017
Zthy Tech ("bailey1618")	172462504474	August 22, 2017
Zthy Tech ("annhk-ot3zlw")	252033487867	August 4, 2017
elecbrain15	151884473127; 161889838476	November 8, 2017
sunflower-electronic	152614884787	November 8, 2017
shop-siker	282567185679; 272756485423	November 8, 2017
ehome007	151887420926; 152066413506	June 29, 2018

57. Plaintiffs are informed and believe, and thereon allege, that eBay removed each of those reported listings after determining that Plaintiffs' claims had merit, and that eBay notified Defendants about these infringing listings and Defendants' violations of eBay's policies prohibiting the sale of counterfeit goods on its platform. Plaintiffs further allege upon information and belief that Defendants did not contest eBay's decision to remove listings from Defendants' seller accounts, nor did Defendants contact Plaintiffs to complain that its takedown requests to eBay were not justified.

58. **Plaintiffs' reports to PayPal:** Defendants also received notice of their counterfeit trafficking from PayPal due to the many reports Plaintiffs issued to PayPal in connection with their transactions to Defendants for counterfeit "HP" products. Plaintiffs are informed and believe, and thereon allege, that when a trademark owner reports a PayPal transaction in this manner, PayPal notifies the responsible account holder of the complaint, and it provides the account holder with an opportunity to contest the allegations. Plaintiffs reported these illegal listings to PayPal against the indicated Defendants and received confirmation that the accounts in question were suspended as of the following dates:

Responsible Seller	Reported Transaction	Date of Removal
Zthy Tech ("bailey1618")	86274144LS357291K	October 5, 2017
Zthy Tech ("annhk-ot3zlw")	9E7719848N2352522	October 5, 2017

59. **Plaintiffs' Notification to Defendant Zthy Tech:** On August 23, 2017, Plaintiffs sent Defendant Zthy Tech a cease and desist letter, addressing Defendant's sales of infringing and counterfeit "HP" products, including those reported to and removed by eBay. That letter identified counterfeit batteries sold by Zthy Tech, under the eBay seller names

“haobattery.9953,” “omg_1971,” “bailey1618,” and “annhk-ot3zlw.” It demanded that Defendants cease and desist from further counterfeit sales or other conduct that infringes upon Plaintiffs’ intellectual property rights.

F. Defendants’ Sales of Counterfeit HP Batteries Poses a Significant Potential Hazard to Users’ Safety

60. The worst of all potential harms that are associated with counterfeit trafficking arise when the counterfeit products contain defects that create a risk of malfunction. In such cases, the harm to the value of the brand is aggravated by consumers improperly associating the brand with unreliable products. But even worse, and far more significant, are the harms that occur to users when these products contain defects that could cause damage to property and injury. Plaintiffs had an engineer analyze several of the counterfeit products at issue in this lawsuit and determined that each product examined contain defects, or critical aspects of design that are so at variance with genuine HP products, that they present a risk of severe harm.³

V. CAUSES OF ACTION

FIRST CLAIM FOR RELIEF
Federal Trademark Counterfeiting and Infringement; 15 U.S.C. § 1114
(On Behalf of HPDC)

61. HPDC incorporates the preceding paragraphs of this Complaint as if fully set forth herein.

62. The HP Marks are valid, protectable trademarks that have been registered as marks on the principal register in the United States Patent and Trademark Office.

63. HPDC is the exclusive licensee of the HP Marks.

³ Plaintiffs will make these reports available to Defendants, after entry of a protective order that is sufficient to prevent the information therein from being misused by counterfeiter manufacturers to blur the distinctions that HP relies upon to identify counterfeits.

64. As described in detail above, Defendants have used and counterfeited the HP Marks in connection with the marketing, promotion, and sale of their goods and services without HPDC's consent, in a manner that is likely to cause, and that has actually caused, confusion and/or mistake, or that has deceived members of the consuming public and/or the trade. Defendants' counterfeiting and infringing activities are likely to cause and are actually causing confusion, mistake, and deception among members of the trade and the general consuming public as to the origin, sponsorship, and quality of Defendants' infringing products, counterfeit packaging, inferior warranty, and other related commercial activities.

65. Defendants' infringement of the HP Marks is willful.

66. HPDC has been, and continues to be, damaged by Defendants' infringement, including by suffering irreparable harm through the diminution of trust and goodwill among HP consumers and members of the general consuming public and the trade.

67. As a result of Defendants' infringement of the HP Marks, HPDC is entitled to an injunction, as set forth below, and an order of destruction of all of Defendants' infringing materials.

68. HPDC is entitled to an injunction against Defendants, as well as all monetary relief and other remedies available under the Lanham Act, including but not limited to trebled damages and/or actual profits, reasonable attorney's fees, costs and prejudgment interest, and/or statutory damages.

SECOND CLAIM FOR RELIEF
Federal Trademark Dilution; 15 U.S.C. § 1125
(On Behalf of HPDC)

69. HPDC incorporates the preceding paragraphs of this Complaint as if fully set forth herein.

70. The HP Marks are famous trademarks within the meaning of the Anti-Dilution Act, 15 U.S.C. § 1125(c).

71. Defendants' use and counterfeiting of the HP Marks to identify products with inferior quality and warranties, as alleged further above, has caused significant harm to HP's brand and reputation.

72. Defendants' acts have diluted and will continue to dilute the distinctive nature of the HP Marks through blurring and tarnishment, in violation of 15 U.S.C. § 1125(c).

73. The distinctive nature and reputation of the HP Marks is extremely valuable, and HPDC is suffering and will continue to suffer irreparable harm, blurring, and tarnishment of the HP Marks if Defendants' wrongful conduct is allowed to continue.

74. The dilution of the HP Marks will likely continue unless the Court orders injunctive relief against Defendants.

75. HPDC is entitled to an injunction against Defendants, as well as all monetary relief and other remedies available under the Lanham Act, including but not limited to trebled damages and/or actual profits, reasonable attorney's fees, costs and prejudgment interest, and/or statutory damages.

THIRD CLAIM FOR RELIEF
Federal Unfair Competition; 15 U.S.C. § 1125
(On Behalf of HPDC)

76. Plaintiffs incorporate the preceding paragraphs of this Complaint as if fully set forth herein.

77. The HP Marks are valid, protectable trademarks that have been registered as marks on the principal register in the United States Patent and Trademark Office.

78. HPDC is the owner and registrant of the HP Marks.

79. HPDC and HP operate under and use the trade name "HP" in connection with HP's products and services.

80. Defendants have made commercial use of and counterfeited the HP Marks and HP's trade name.

81. Defendants' counterfeiting and infringing activities, and related false descriptions and representations as to origin and quality of their product sales, are likely to cause, and are actually causing, confusion, mistake, and/or deception among members of the consuming public and members of the trade. These members of the consuming public and members of the trade have been, and will continue to be, misled into believing that there is an affiliation, connection, or association between Plaintiffs and Defendants, and/or have been, or will be, misled as to the origin, sponsorship, or approval of Defendants' inferior non-genuine batteries.

82. HPDC has not consented to Defendants' use of the HP Marks or HP trade name.

83. Defendants' unauthorized use of the HP Marks and HP trade name was willful.

84. Defendants' acts constitute false statements in connection with products and/or services distributed in interstate commerce, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

85. Defendants' acts have caused and are continuing to cause irreparable injury to Plaintiffs' brand, goodwill, and reputation.

86. An award of monetary damages alone cannot fully compensate Plaintiffs for their injuries and Plaintiffs lack an adequate remedy at law.

87. Plaintiffs are entitled to an injunction against Defendants, as well as all monetary relief and other remedies available under the Lanham Act, including but not limited to trebled damages and/or actual profits, reasonable attorney's fees, costs and prejudgment interest, and/or

statutory damages.

FOURTH CLAIM FOR RELIEF

New York Unfair Competition; N.Y. Gen. Bus. Law § 340 (McKinney)
(On Behalf of HPDC and HP)

88. Plaintiffs incorporate the preceding paragraphs of this Complaint as if fully set forth herein.

89. Defendants have engaged in unlawful and unfair business acts or practices by committing the illegal acts and practices as alleged herein, all in an effort to gain an unfair competitive advantage over HP.

90. Defendants' misconduct was unlawful because, as described herein, their misconduct constitutes violations of numerous state and federal statutes, including but not limited to N.Y. Gen. Bus. Law § 133, state false advertising laws such as N.Y. Gen. Bus. Law §§ 392-b, 396 through 396-t, as well as the Lanham Act, 15 U.S.C. §§ 1114 and 1125, and the Federal Trade Commission Act, 15 U.S.C. § 45. Further, their misconduct was unfair in that Defendants' actions, as described herein, significantly threatened and/or harmed competition by selling counterfeit batteries to undercut the legal market for genuine and authorized HP batteries.

91. These unlawful and unfair business acts and/or practices were committed pursuant to Defendants' business marketing, promotional, and sales efforts in relation to the HP Marks.

92. As a direct and proximate result of Defendants' unlawful and unfair business practices, Plaintiffs have lost money and property, and have suffered irreparable injury to the HP brand, business reputation, and goodwill. As such, Plaintiffs' remedy at law is not adequate to compensate for the injuries inflicted by Defendants. Accordingly, Plaintiffs are entitled to temporary, preliminary, and permanent injunctive relief against Defendants, in addition to restitution in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that the Court enter judgment as follows:

1. That each Defendant directly infringed, diluted and counterfeited the HP Marks, and engaged in unfair competition through use of their counterfeit and/or infringing marks;
2. That each Defendant's trademark infringement, counterfeiting, dilution and unfair competition were knowing and willful and committed with bad faith and intent to deceive and that this case is exceptional under 15 U.S.C. § 1117(a);
3. That the Court enter an order enjoining and restraining each Defendant, and all persons or entities acting as agents of, or in concert with each Defendant, during the pendency of this action and thereafter perpetually, from infringing, counterfeiting, or diluting the HP Marks in any way, including but not limited to the sale of counterfeit "HP" branded products in the Defendant's inventory;
4. That the Court enter an order impounding and delivering to HP for ultimate destruction any infringing and/or counterfeit "HP" branded products, packaging, accessories, or other collateral in each Defendant's possession, custody, or control;
5. That the Court enter an order directing each Defendant to send a notice to any customer who purchased any infringing or counterfeit "HP" branded product from any Defendant, informing the customer that the sale of the product violated Federal trademark and counterfeiting laws, and that the selling Defendant will refund the money paid by the consumer immediately upon request and return of the product, with any such product returns going directly to Plaintiffs or their

counsel for ultimate destruction at Defendants' expense;

6. For economic damages, Plaintiffs pray:

a. That the Court enter an order requiring each Defendant to account to and pay Plaintiffs for all profits and damages resulting from Defendants' infringement, counterfeiting activities and unfair competition, and:

- i. That Plaintiffs be awarded treble damages to the fullest extent available under the law;
- ii. That Plaintiffs be awarded full restitution, and;
- iii. That Plaintiffs be awarded costs of prosecuting this claim.

b. In the alternative to the economic damages described above, Plaintiffs pray that they be awarded statutory damages from each Defendant in the amount of two million dollars (\$2,000,000), which reflects the maximum statutory damages for the willful infringement of only one trademark on one product.

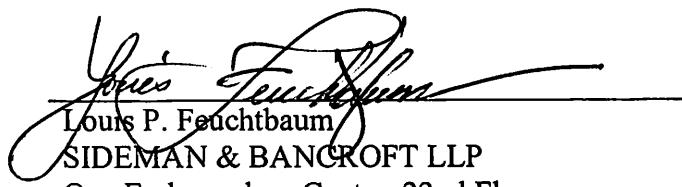
- c. That Plaintiffs be awarded prejudgment interest, to the fullest extent allowed by law;
- d. That Plaintiffs be awarded post-judgment interest;
- e. That Plaintiffs be awarded reasonable attorneys' fees to the fullest extent allowed by law;

7. That Plaintiffs be awarded further injunctive and provisional remedies, as appropriate; and,

8. That Plaintiffs be granted any other such further relief as the Court deems just and proper.

Dated: January 6, 2020

RESPECTFULLY SUBMITTED,



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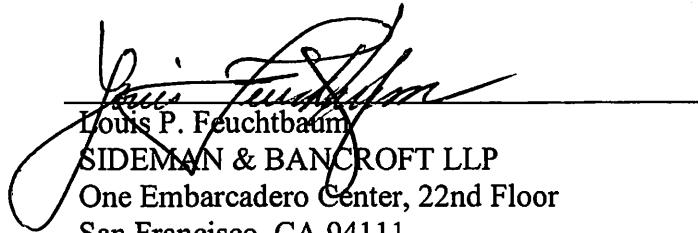
Counsel for Plaintiffs HP Inc. and Hewlett-Packard Development Company, L.P.

JURY DEMAND

Pursuant to Fed. R. Civ. Proc. 38, Plaintiffs HP INC. and HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P. hereby demand a trial by a jury on all issues herein so triable.

Dated: January 6, 2020

RESPECTFULLY SUBMITTED,



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